

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERMÈS INTERNATIONAL and
HERMÈS OF PARIS, INC.,

Plaintiffs,

v.

MASON ROTHSCHILD,

Defendant.

Civil Action No. 22-cv-00384-JSR

[PROPOSED] ORDER OF PERMANENT INJUNCTION

Following a jury trial in the above-captioned matter, in which the jury rendered a verdict (ECF No. 144) finding in favor of Plaintiffs Hermès International and Hermès of Paris, Inc. (collectively, “Hermès”) on its claims for trademark infringement, trademark dilution, and cybersquatting and that the First Amendment did not bar Defendant Mason Rothschild’s (“Rothschild”) liability, the Court hereby enters this Permanent Injunction.

It is hereby **ORDERED** that Rothschild and, in addition, his associates, business partners, representatives, and other affiliates, and all others in active concert or participation with him who receive actual notice of this Order, shall prominently display or cause to be displayed the following disclaimer on the *MetaBirkins* website, *MetaBirkins* social media accounts, and wherever else *MetaBirkins* NFT artworks are advertised, marketed, promoted, or offered for sale: “*MetaBirkins* are artworks by Mason Rothschild and are not affiliated with or endorsed or sponsored by Hermès.”

It is further **ORDERED** that Rothschild shall, within 10 days of the date of this Order, at Rothschild’s expense:

- a. Contact by e-mail, text, or other written form of communication all persons to whom he gave, sold, issued, or distributed a *MetaBirkins* NFT artwork or whitelist spot to mint a *MetaBirkins* NFT artwork, and provide each of those persons with a copy of this Order; and
- b. Airdrop to all *MetaBirkins* NFT holders a copy of this Order.

IT IS SO ORDERED.

Dated: _____

THE HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT COURT JUDGE